

Message Text

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ACTION EUR-12

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC 702

INFO AMEMBASSY BONN

AMEMBASSY LISBON

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TAGS: PINT, SP

SUBJECT: POLITICAL ASSOCIATIONS: DRAFT STATUTE APPROVED
BY NATIONAL MOVEMENT

REF MADRID 7783

1. SUMMARY: NATIONAL COUNCIL OF MOVEMENT APPROVED
DRAFT STATUTE ON POLITICAL ASSOCIATIONS DEC. 16
FOLLOWING ADOPTION OF SEVERAL AMENDMENTS WHICH LOOSENE
UP MEMBERSHIP REQUIREMENTS. STATUTE NOW GOES BACK
TO PRESIDENCY FOR APPROVAL BY COUNCIL OF MINISTERS FOR
DECISION AS TO FORM OF PROMULGATION AS DECREE OR LAW
ADOPTED BY "CORTES". MANY POLITICIANS AND COMMENTATORS
REMAIN HESITANT TO JUDGE MERITS OF STATUTE UNTIL
IMPLEMENTING REGULATIONS HAVE BEEN DRAWN UP BY
GOVT, ALTHOUGH THERE IS GENERAL ACQUIESCENCE
AMONG SUPPORTERS AND DETRACTORS OF STATUTE WITHIN REGIME THAT IT
REPRESENTS REALISTIC LEVEL OF POLITICAL PARTICIPATION
IN "PRESENT CIRCUMSTANCES." END SUMMARY.

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2. NATIONAL COUNCIL OF MOVEMENT APPROVED OVERWHELMINGLY

BY VOTE OF 95, NO NEGATIVE VOTES, AND THREE ABSTENTIONS, DRAFT STATUTE ON POLITICAL ASSOCIATIONS AFTER DAY-LONG DEBATE DEC. 26 (REFTEL). RIGHT WING LEADER OF "FUERZA NUEVA", BLAS PINAR, LEFT ASSEMBLY ROOM WHEN TIME CAME TO VOTE, REPEATING HIS DEMONSTRATIVE NEGATIVE POSITION AGAINST MOVEMENT'S POLITICAL PROGRAM ADOPTED IN JULY. MOST SPEAKERS VOICED SKEPTICISM ABOUT STATUTE BECAUSE OF POSSIBILITY THAT ASSOCIATIONS MIGHT EVOLVE INTO POLITICAL PARTIES BUT WENT ALONG WITH GOVT'S PROPOSAL AS REPRESENTING POSITIVE STEP IN BRINGING SPAIN'S POLITICAL INSTITUTIONS UP-TO-DATE WITH ECONOMIC AND SOCIAL CHANGES. FORMER SUB-SECRETARY IN MINISTRY OF INFORMATION AND TOURISM, MARCELINO OREJA, JUSTIFIED HIS ABSTENTION BECAUSE STATUTE FAILED TO PROVIDE FOR "AUTHENTIC RIGHT" AND JURISDICTIONAL CONTROL BY REGULAR JUDICIARY. ANOTHER ABSTAINER, FORMER MINISTER OF INTERIOR, GARICANO GONI, SAID STATUTE WAS APPROVED IN "COMPACT OF FEARFUL MEN" AND VIOLATED PRINCIPLE OF JURIDICAL UNITY. OTHER SPEAKERS, WHO SUPPORTED STATUTE, SAID THAT THEY WOULD HAVE PREFERRED A DIFFERENT DRAFT, BUT THAT PRESENT ONE, WHILE NOT PERFECT, WAS A STARTER AND PROBABLY THE ONLY "FEASIBLE PROJECT" IN PRESENT CIRCUMSTANCES. WELL-KNOWN EDITOR OF "PUEBLO" (NATIONAL SYNDICATES), EMILIO ROMERO, SAID THAT ADOPTION OF STATUTE WOULD NOT TERMINATE PROCESS OF BRINGING COUNTRY'S POLITICAL INSTITUTIONS UP-TO-DATE.

3. IN EDITORIAL FOLLOWING DAY IN "PUEBLO", ROMERO, WHO IS REPORTEDLY CLOSE TO ARIAS NAVARRO, SAID STATUTE WAS A "PERFECTIBLE NORM ADJUSTED TO THE CLIMATE OF POLITICAL REALITY." HIS COMMENT ECHOED PREMIER'S OWN REMARKS ON NATIONAL TV DEC. 2 AND COMMENTS OF OTHER NATIONAL COUNCILORS ABOUT STATUTE'S "PROVISIONAL" CHARACTER (MADRID 7568). INDEPENDENT PRESS HAS COMMENTED THAT STATUTE, WHILE FALLING SHORT OF HOPES OF MANY OBSERVERS AND POLITICIANS, WAS REALISTIC STEP IN RIGHT DIRECTION AND SHOULD BE EXPLOITED.

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4. DRAFT STATUTE RECEIVED SOME MODIFICATIONS AT HANDS OF NATIONAL COUNCIL. ORIGINAL INTRODUCTORY SENTENCE REFERRING TO RIGHT UNDER CHARTER OF SPANIARDS (BASIC LAW) TO FREEDOM OF ASSOCIATION WAS DELETED IN RESPONSE TO RECOMMENDATION BY ATTORNEY GENERAL ATTACHED TO SUPREME COURT. ACCORDING TO WELL-RESPECTED LAWYER THIS WAS DONE TO AVOID EXPOSING STATUTE TO CONSTITUTIONAL ISSUE PROMPTED BY OPPOSITION

WHICH MIGHT ARGUE THAT STATUTE IN EFFECT CURTAILED FULL EXERCISE OF BASIC RIGHT. IMPORTANT PRACTICAL CHANGE WAS MADE IN MEMBERSHIP REQUIREMENTS FOR RECOGNITION OF POLITICAL ASSOCIATION BY REDUCTION IN MINIMUM PERCENTAGES FROM 3-5PERCENT TO 1-2PERCENT OF POPULATION IN FIFTEEN PROVINCES REQUIRED FOR PROVINCIAL ASSOCIATIONS.

5. DRAFT STATUTE NOW GOES BACK TO PRESIDENCY WHICH MUST DECIDE ON HOW IT WILL BE MADE INTO LAW. IT IS GENERALLY CONCEDED BY ALL EMBASSY SOURCES THAT IT WILL NOT BE SUBMITTED TO "CORTES" AS ORDINARY BILL TO AVOID FURTHER DELAY AND POSSIBLE AMENDMENTS. WELL-INFORMED SOURCES SAY THAT IT IS MORE LIKELY THAT FRANCO, BY VIRTUE OF HIS SPECIAL POWERS AS NATIONAL HEAD OF THE MOVEMENT FOR LIFE, WILL ISSUE A DECREE-LAW, ALTHOUGH AN ORDINARY DECREE-LAW, REQUIRING PRIOR APPROVAL BY THE COUNCIL OF ELDERS IN THE "CORTES", A FREQUENT RECOURSE OF THE GOS, MIGHT BE JUST AS EXPEDITIOUS AND LESS LIKELY TO RAISE QUESTIONS IN THE POST-FRANCO PERIOD.

6. DISCUSSION OF STATUTE HAS ALREADY REPORTEDLY LED TO RIFT IN PRESTIGIOUS "TACITO" GROUP OF CHRISTIAN DEMOCRATS SOME OF WHOM ARE READY TO SET UP POLITICAL ASSOCIATION ACCORDING TO NEW RULES WHILE OTHERS REFUSE TO GO ALONG AND WILL ABSTAIN FROM OPEN POLITICAL COMPETITION ALONG WITH OTHER CENTER AND LEFT-WING GROUPS. SOME OPPOSITION AND FRINGE POLITICIANS ARE AWAITING PROMULGATION OF ALL-IMPORTANT IMPLEMENTING REGULATIONS BEFORE DECLARING WHETHER OR NOT THEY WILL BECOME OPENLY ACTIVE IN POLITICS. EXPERIENCED OBSERVERS POINT LIMITED OFFICIAL USE

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OUT, FOR EXAMPLE, THAT IN SPAIN SUCH REGULATIONS CAN TURN OUT TO BE MORE IMPORTANT THAN STATUTE OR LAW THEMSELVES.
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